

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-0076V

UNPUBLISHED

MARK CHASE, *statutory beneficiary of
BARBARA PAULEY-CHASE,
deceased,*

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 18, 2021

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine;
Pneumococcal Conjugate Vaccine;
Guillain-Barre Syndrome (GBS);
Death

Stephen I. Leshner, Stephen I. Leshner, P.C., Phoenix, AZ, for Petitioner.

Adriana Ruth Teitel, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On January 23, 2020, Mark Chase, statutory beneficiary of Barbara Pauley-Chase, deceased, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that his wife, Ms. Pauley-Chase, suffered from Guillain-Barre syndrome (“GBS”) as a result of pneumococcal conjugate and influenza vaccines received on October 17, 2018, and that she subsequently died on December 22, 2018 as a result of her vaccine-related condition. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On June 15, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for GBS and subsequent death. On October 15, 2021, Respondent filed a proffer on award of compensation ("Proffer") indicating Petitioner should be awarded \$250,000.00. Proffer at 2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$250,000.00 in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

MARK CHASE, Statutory Beneficiary of
Barbara Pauley-Chase, deceased,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 20-76V

Chief Special Master Corcoran (SPU)

ECF

PROFFER ON AWARD OF COMPENSATION¹

I. Procedural History

On January 23, 2020, Mark Chase (“petitioner”) filed a petition for compensation (“Petition”) under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”), as amended, as the statutory beneficiary of Barbara Pauley-Chase. Petitioner alleges that Barbara Pauley-Chase (“BPC”) suffered from Guillain-Barré syndrome (“GBS”) as a result of an influenza (“flu”) vaccine and/or Prevnar13 vaccine administered on October 17, 2018, and that BPC died as a result of her GBS. Petition at 1. On June 14, 2021, respondent filed his Vaccine Rule 4(c) report, concluding that BPC suffered GBS as defined by the Vaccine Injury Table, within the Table timeframe. ECF No. 42. On June 15, 2021, a ruling on entitlement was issued, finding that petitioner was entitled to compensation for a GBS Table injury. ECF No. 43

¹ This Proffer does not include attorneys’ fees and costs, which the parties intend to address after the Damages Decision is issued.

II. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded a lump sum of **\$250,000.00**. This amount represents all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

III. Form of the Award

Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment, as described below, and requests that the Chief Special Master's decision and the Court's judgment award the following: A lump sum payment of **\$250,000.00** in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

C. SALVATORE D'ALESSIO
Acting Director
Torts Branch, Civil Division

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

TRACI R. PATTON
Assistant Director
Torts Branch, Civil Division

s/ Adriana Teitel
ADRIANA TEITEL
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146, Benjamin Franklin Station
Washington, DC 20044-0146
Tel: (202) 616-3677
Email: adriana.teitel@usdoj.gov

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